

## REMARKS

By this amendment, claims 1 and 2 have been amended and claims 1-18 and 20-28 are now pending in the present application. Support for the claim amendments can be found in the application and claims as filed, in particular from page 15, line 14 to page 16, line 21 of the application as filed. Accordingly, favorable reconsideration of the pending claims is respectfully requested.

Initially, the Applicant respectfully thanks the Examiner for the indication that claims 6-15, 17, 18, 20-25, 27, and 28 are allowed.

### 1. Rejections Under the Judicially Created Doctrine of Double Patenting

Claims 1-5, 16, and 26 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-46 of U.S. Patent No. 6,150,257 to Yin et al. for the reasons set forth on page 2 of the Office Action.

This rejection will be addressed when the claims are otherwise in condition for allowance.

### 2. Rejections Under 35 U.S.C. §103

Claims 1, 2, 5, and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,529,954 to Iijima et al. ("*Iijima*") taken with U.S. Patent No. 5,633,200 to Hu ("*Hu*") and U.S. Patent No. 6,077,774 to Hong et al. ("*Hong*") for the reasons set forth on pages 4-6 of the Office Action. Applicants respectfully traverse.

Applicants hereby incorporate by reference their remarks made in previous Amendment and Responses in this matter regarding the rejection of claims 1, 2, 5, and 26. In

order to further the prosecution of this case, however, claim 1 has been amended to incorporate language that the Examiner has indicated contains allowable subject matter. *See* Office Action at page 7, paragraph 1. In particular, claim 1 now recites, among other things:

wherein the step of reacting a chemical composition with said upper surface to form a passivating layer comprises:

exposing the upper surface to a plasma having a first concentration of a chemical composition used to form the passivation layer; and

incrementally reducing the concentration of the chemical composition until it is completely removed from the presence of the upper surface; and

As noted by the Examiner, none of the cited references teach or suggest the foregoing. Accordingly, the prompt withdrawal of the rejection of claims 1, 2, 5, and 26 under 35 U.S.C. § 103(a) is respectfully requested.

Claims 3 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Iijima* taken with *Hu* and *Hong* and further in view of U.S. Patent No. 5,592,024 to Aoyama et al. (hereinafter “*Aoyama*”) for the reasons set forth on pages 6-7 of the Office Action. Applicants respectfully traverse.

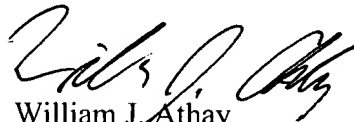
Claims 3 and 4 depend from claim 1 and thus include the limitations thereof. Accordingly, claims 3 and 4 are patentable over the cited prior art for at least the reasons presented hereinabove with respect to claim 1. Applicants therefore respectfully request that the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) be withdrawn.

### CONCLUSION

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the present claims. In the event the Examiner finds any remaining impediment to the prompt allowance of this application that could be clarified by a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney.

Dated this 9th day of February, 2004.

Respectfully submitted,



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